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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,348	09/11/2003	Nathaniel Hairston	22456.00	7088

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,348

Applicant(s)

HAIRSTON, NATHANIEL

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "the pin securing post" lacks antecedent basis.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,7,11 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulanger et al. in view of Tate. Boulanger shows the workhorse (with a post securing pin 44a) with the exception of the wheel lock. Tate shows a wheel lock at 84,76,70. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boulanger to comprise a wheel lock, as taught by Tate, to prevent movement of his workhorse in a working position. To make the base 26 and cross braces 46 of wood material to enable an inexpensive construction, and the frame of aluminum or lightweight steel to enable a strong lightweight construction by the selection from known

conventional material for its known advantages would have been an obvious engineering expedient, to provide three of his braces 80 to enhance stability would have been an obvious engineering expediency.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boulanger and Tate as applied to claim 11 above, and further in view of Armstrong. Armstrong shows a platform with three rails. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the workhorse of Boulanger with a platform with three rails, as taught by Armstrong, to enable a reinforced platform.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boulanger and Tate as applied to claim 1 above, and further in view of Champigny. Champigny shows a rectangular slot at 126. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the platform of Boulanger to comprise a rectangular slot, as taught by Champigny, for connecting his platform on his frame.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boulanger and Tate as applied to claim 1 above, and further in view of Wilson. Wilson shows a platform with restraint beams 52. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the

workhorse of Boulanger with a platform with restraint beams, as taught by Wilson, to enable the use of a plurality of planks for his platform.

Claims 3,5,6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulanger and Tate as applied to claim 1 above, and further in view of Ono. Ono in fig.17 shows stacked support frames coupled by pins 53 and a guardrail secured by a threaded fastener. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the workhorse of Boulanger to comprise stacked frames coupled by pins, and a guard rail secured by threaded fasteners, as taught by Ono, to facilitate storage and as a safety means, respectively.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boulanger and Tate as applied to claim 1 above, and further in view of Denier. Denier shows braces at 52 with brackets 51 secured to a frame by fasteners. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the workhorse of Boulanger to comprise braces secured to his frame by fasteners, as taught by Denier, for stabilizing his workhorse. Furthermore, to use conventional threaded fasteners for their known use of facilitating releasable attachment would have been an obvious engineering expedient.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatge et al in view of Boulanger et al. Tatge shows the claimed workhorse with the exception of the support frame being disposed on the baseboard. Boulanger shows a support frame 12,14 disposed on a baseboard 26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tatge to comprise a support frame disposed on a baseboard, as taught by Boulanger, to facilitate storage.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatge and Boulanger as applied to claim 1 above, and further in view of Reinhardt. Reinhardt shows a brace 106 with wheels 107. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the braces of Tatge with wheels, as taught by Reinhardt, to facilitate movement of his workhorse.

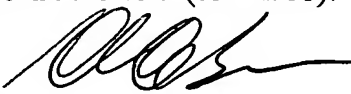
Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatge, Boulanger and Reinhardt, as applied to claim 8 above, and further in view of Hawkins. Hawkins shows a brace connection comprising a hook 102 and apertured projection 98. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the braces of Tatge to comprise hook and

apertured projection connections, as taught by Hawkins, to facilitate a removable pivotal connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634